

The regular meeting of the Municipal Civil Service Commission convened on Monday, June 30, 2003, at 12:30 p.m. with Priscilla Tyson, Grady Pettigrew and Mary Jo Hudson present.

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RE: *Review and approval of minutes from the May 19, 2003, regular meeting.*

The minutes were approved as written.

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RE: *Review of the results of the pre-hearing conferences for the following appeals:*

PRESENT: Theresa Lynn Carter, Deputy Executive Director

Lynn Carter appeared before the Commissioners and reported on two pre-hearing conferences heard prior to today's meeting.

Arturo Kendrick, a Bus Driver with Columbus Public Schools, was discharged for insubordination. There are four joint witnesses that both parties intend to call, the appellant may call four additional witnesses and Columbus Public Schools may call one additional witness. Since this hearing is scheduled to begin at 3:00 p.m., it may take two half days to complete.

Richard Sowards, a Custodian II with Columbus Public Schools, was discharged for being AWOL. Mr. Sowards has not submitted the proper paperwork to request a medical or personal leave of absence since his last day worked on August 13, 2002, nor has he responded to telephone calls or correspondence sent to his home. His attorney reports that he has also been unable to contact Mr. Sowards. Due to the circumstances, it is unlikely that this case will go forward.

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RE: *Rule Revisions.*

No Rule revisions were submitted this month.

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RE: *Decision on the merits of the appeal of Duane Hicks from the action of the Department of Public Safety, Division of Police, suspending him for 30 hours from the position of Police Officer – Case No. 02-CA-0004.*

DECISION

The Commission, in a unanimous decision, found Officer Hicks guilty of Charge III, Specification I. The Commission modified the action of the appointing authority from a 30 working hour suspension to a 20 working hour suspension.

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RE: *Trial Board Recommendations.*

No trial board recommendations were submitted this month.

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RE: *Columbus Public Schools Classification Actions.*

No Columbus Public School classification actions were submitted this month.

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RE: *Request of the Civil Service Commission staff to approve the review of the specification for the classification Fire Captain with no revisions (Class Code 3088).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented the Commission's request to review the specification for the classification Fire Captain as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in December of 1998. There are currently 54 positions allocated to Fire Captain.

After close review and consultations with departmental representatives, it was determined that no changes to this classification are necessary at this time. It was therefore requested that the review of the specification for the classification Fire Captain be approved with no revisions.

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RE: *Request of the Civil Service Commission staff to approve the review of the specification for the classification Fire Lieutenant with no revisions (Class Code 3091).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented the Commission's request to review the specification for the classification Fire Lieutenant as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in December of 1998. There are currently 187 positions allocated to Fire Lieutenant.

After close review and consultations with departmental representatives, it was determined that no changes to this classification are necessary at this time. It was therefore requested that the review of the specification for the classification Fire Lieutenant be approved with no revisions.

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RE: *Request of the Civil Service Commission staff to approve the specification review for the classification Plant Operation and Maintenance Training Coordinator with no revisions (Class Code 1162).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to review the specification for the classification Plant Operation and Maintenance Training Coordinator as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in June of 1998. There are currently no incumbents assigned to this classification.

Based upon information received from departments, no proposed revisions are requested at this time. It was therefore recommended that the review of this classification be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Community Relations Representative (Class Code 0798).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Community Relations Representative as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in November of 1998. There are currently four incumbents; three assigned to the Department of Development and one assigned to the Department of Public Service.

No revisions to the current definition were proposed since it accurately defines the classification. Revisions to the examples of work section of the specification were recommended to more accurately reflect the specific duties of this classification. No revisions to the minimum qualifications were recommended. Changes to the knowledge, skills and abilities section of the specification were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or the examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Community Relations Coordinator (Class Code 0796).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Community Relations Coordinator as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in March of 2001. There are currently four incumbents; two assigned to the Department of Development and two assigned to the Office of the Mayor.

No revisions to the current definition, examples of work or minimum qualifications were recommended. Changes to the knowledge, skills and abilities were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or the examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Plumbing Inspector I (Class Code 1775).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Plumbing Inspector I as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in September of 1999. There are currently ten incumbents assigned to the Department of Development, Division of Building Services.

No revisions to the current definition were proposed since it accurately defines the classification. Revisions to the examples of work section of the specification were recommended to more accurately reflect the specific duties of Plumbing Inspectors I. It was recommended that the minimum qualifications section of the specification be revised to reflect the recent changes in the State of Ohio certification requirements. Changes to the knowledge, skills and abilities section of the specification were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or the examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Plumbing Inspector II (Class Code 1776).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Plumbing Inspector II as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in September of 1999. There are currently two incumbents assigned to the Department of Development, Division of Building Services.

The definition was recommended for changes to more accurately reflect the responsibilities of the incumbents. Revisions to the examples of work section of the specification were recommended to more accurately reflect the specific duties of Plumbing Inspectors II. It was recommended that the guidelines for class use section of the specification be revised to reflect that the Plumbing Inspector II classification is being used as a working/supervisor classification. No revisions to the minimum qualifications section of the specification were recommended. Changes to the knowledge, skills and abilities were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or the examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Medical Technologist (Class Code 1952).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Medical Technologist (Class Code 1952) as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in July of 1999. There are currently three incumbents assigned to the Health Department.

It was recommended that the definition be revised to better clarify the responsibilities of the incumbents. No revisions to the examples of work section of the specification were recommended. Revisions to the minimum qualifications were recommended to make them more comprehensible and easier to read. Changes to the knowledge, skills and abilities were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Medical Technologist Supervisor (Class Code 1959).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Medical Technologist Supervisor (Class Code 1959). This classification was last reviewed in March of 2002. There is currently one incumbent assigned to the Health Department.

It was recommended that the definition be revised to better clarify the responsibilities of the incumbents. No revisions to the examples of work section of the specification were recommended. Revisions to the minimum qualifications were recommended to make them more comprehensible, easier to read and to eliminate redundancies since possession of certification includes an associate's degree. Changes to the knowledge, skills and abilities were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Medical Laboratory Manager (Class Code 1961).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Medical Laboratory Manager. This classification was last reviewed in January of 2000. There is currently one incumbent assigned to the Health Department.

No revisions to the definition or examples of work were recommended. It was recommended that the minimum qualifications be revised to maintain consistency within the series and to meet the provisions of the Clinical Laboratory Improvement Act with Amendments. Revisions to the knowledge, skills and abilities were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Social Worker (Class Code 1767).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Social Worker as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in December of 1998. There are currently twelve incumbents assigned to the Health Department.

Revisions to the definition were recommended to better clarify the responsibilities of the incumbents. It was recommended that revisions to the examples of work be made to better clarify the specific duties of the Social Worker. No revisions to the minimum qualifications were recommended. Changes to the knowledge, skills and abilities were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Alcohol and Drug Abuse Prevention Coordinator (Class Code 1561).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the classification Alcohol and Drug Abuse Prevention Coordinator as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in June of 1999. There are currently four incumbents assigned to the Health Department.

No revisions to the definition, examples of work or minimum qualifications were recommended. Changes to the knowledge, skills and abilities were recommended to more accurately define the level of skill necessary for performance of the tasks. No revisions to the probationary period or examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Nature Programs Developer (Class Code 3154).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the Nature Programs Developer. This classification was created in March of this year in response to the need of the Department of Recreation of Parks for positions to be responsible for outdoor adventure and environmental education programs.

The only revision requested was to revise the minimum qualification "Possession of a valid State of Ohio driver's license" to read "Possession of a valid motor vehicle operator's license." This revision was recommended in order to standardize the language with other classifications and will not affect the employment status or appointment type of incumbents.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to revise the specification for the classification Nature Programs Administrative Manager (Class Code 3155).*

PRESENT: Jeanne Gallagher, Personnel Analyst II

Jeanne Gallagher presented the Commission's request to revise the specification for the Nature Programs Administrative Manager. This classification was created in March of this year in response to the need of the Department of Recreation of Parks for positions to be responsible for outdoor adventure and environmental education programs.

The only revision requested was to revise the minimum qualification "Possession of a valid State of Ohio driver's license" to read "Possession of a valid motor vehicle operator's license." This revision was recommended in order to standardize the language with other classifications and will not affect the employment status or appointment type of the incumbents.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Residency Hearing Reviews.*

No residency hearing reviews were conducted this month.

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RE: *Personnel Actions.*

No personnel actions were submitted this month.

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RE: *Administrative/Jurisdictional Reviews.*

Review of the appeal of Reginald Mills regarding the removal of his name from the Custodian II eligible list with the Columbus Public Schools – Appeal No. 03-BA-0014.

The Commissioners reviewed the appeal that Mr. Mills filed requesting his name be reinstated to the Custodian II eligible list. The Ohio Revised Code, Section 3319.39, prohibits hiring individuals to be responsible for the care, custody or control of children if the individual has been convicted of certain violations. The Columbus Public Schools removed his name after receiving information regarding his criminal history. The Commissioners therefore upheld the removal of his name from the Custodian II eligible list and dismissed his appeal without a hearing.

Review of the appeal of Robin L. Spencer regarding her discharge from the position of Instructional Assistant with the Columbus Public Schools – Appeal No. 03-BA-0015.

The Commissioners reviewed the appeal Ms. Spencer filed on June 4, 2003, regarding her discharge from the position of Instruction Assistant at the Columbus Public Schools. Section 3319.088 Ohio Revised Code indicates that “educational assistants” shall have all the rights, benefits and legal protection available to other non-teaching employees except provisions of Chapter 124 of the ORC shall not apply. Chapter 124 is the section that allows employees the right to appeal certain disciplinary actions. The Commissioners determined that since Chapter 124 does not apply to Instructional Assistants, Ms. Spencer couldn’t appeal her discharge to the Civil Service Commission. Accordingly, the Commissioners decided to dismiss Ms. Spencer’s appeal without a hearing because of lack of jurisdiction.

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The Commission adjourned its regular meeting at 1:25 p.m. to conduct a disciplinary hearing.

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RE: *Hearing on the merits of the appeal of Anthony Williams from the action of the Department of Public Safety, Division of Police, suspending him for 240 hours from the position of Police Officer – Appeal No. 02-CA-0017.*

Commission President Tyson read the following charges and specifications into the record:

Charge I: You are hereby charged with violating **Rule of Conduct 1.03**, which states in pertinent part: *Division personnel are not to commit or omit acts in violation of the explicit or implicit purpose of the Rules of Conduct, Policies, Directives or orders of the Division.*

Specification I: On or about November 28, 2001, while on duty, you filed a false and/or defective affidavit charging Robert Stamp with a delinquency count of Disorderly Conduct. Your actions were in violation of Division Directive 3.02, Duties and Responsibilities of Personnel, sections II-B, III-A-13 and III-A-16.

Specification II: On or about November 28, 2001, while on duty, you failed to report a use of force involving yourself and Robert Stamp. Your actions were in violation of Division Directive 3.25, Use of Mace, Force or Deadly Force (effective August 1, 1987; revised October 15, 2000), section II-A-2 and III-A-1b.

Charge II: You are hereby charged with violating **Rule of Conduct 1.07**, which states in pertinent part: *Division personnel are to obey any lawful order from a superior or any order relayed from a superior by an employee of the same or lesser rank.*

Specification I: On or about November 28, 2001, while on duty, you disobeyed an order from Sergeant Gerald Roundtree #5164. To-wit: On an unspecified date in September 2001, Sergeant Roundtree ordered you to refrain from visiting Starling Middle School during your scheduled duty hours. On November 28, 2001, during your scheduled duty hours, you visited Starling Middle School.

Specification II: On or about November 30, 2001, while on duty, you violated the terms and conditions of a *Relieved from Duty Notification* served upon you that date. To-wit: On November 30, 2001 you visited Starling Middle School after being relieved from duty.

Charge III: You are hereby charged with violating **Rule of Conduct 1.19**, which states in pertinent part: *Division personnel are to use force only in accordance with law and Division procedures.*

Specification I: On or about November 28, 2001, while on duty, you used force against Robert Stamp to affect his arrest for Disorderly Conduct. The arrest of Robert Stamp was without cause, thereby rendering said use of force unnecessary and excessive.

Appearances and preliminary matters were handled. The witnesses were sworn en masse. Assistant City Attorney Alan Varhus moved for the introduction of the record and the motion was approved. Attorney for appellant, Terry Sherman, waived the reading of the charges into the record. Mr. Varhus and Mr. Sherman gave their opening statements.

Cynthia Brown – Mr. Sherman was permitted to call his first witness out of order to accommodate childcare issues. Ms. Brown, a teacher at Starling Middle School, was interviewed on direct examination by Mr. Sherman, cross-examined by Mr. Varhus and was excused.

Donna LaBeau – Mr. Varhus called the City's first witness on direct examination. Ms. LaBeau was the principal at Starling Middle School. Ms. LaBeau was cross-examined by Mr. Sherman, answered questions from the Commissioners and was excused.

Kevin Freeman – Mr. Varhus called Kevin Freeman, who was an assistant principal at Starling Middle School, on direct examination. Mr. Freeman was cross-examined by Mr. Sherman, examined on re-direct by Mr. Varhus, examined on re-cross by Mr. Sherman and was excused.

Scott Saeger – Mr. Sherman was permitted to call another witness out of order. Mr. Sherman called Scott Saeger, Assistant Prosecuting Attorney, Franklin County Prosecutor's Office, Director of Intake Department of Juvenile Division. Mr. Saeger was examined on direct by Mr. Sherman, was cross-examined by Mr. Varhus, answered questions from Commissioner Pettigrew and was excused.

Kelly Castle – Mr. Varhus called Kelly Castle, Assistant City Attorney, assigned to the Police Division as Legal Advisor. Ms. Castle was interviewed on direct examination by Mr. Varhus, was cross-examined by Mr. Sherman, was examined on re-direct by Mr. Varhus, examined on re-cross by Mr. Sherman, answered questions from the Commissioners and from both attorneys and was excused.

Sergeant Gerald Roundtree – Mr. Varhus called Sergeant Gerald Roundtree. Sergeant Roundtree was examined on direct by Mr. Varhus, cross-examined by Mr. Sherman, examined on re-direct by Mr. Varhus, answered questions from the Commissioners and was excused.

Sergeant Ross – Sergeant Ross, Internal Affairs Bureau, stepped forward to address the Commissioners to explain internal affairs investigation procedures.

Commission President Tyson advised the parties that the hearing would be continued to another date when all the parties are available.

The hearing was adjourned at 6:25 p.m.

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Priscilla R. Tyson, Commission President

July 28, 2003
Date